App. F. IX-4

1917

1917.

File No. 47-17

Previous References
H 220-17

Legis)

Serial Nos. 1-5

Later References
Leges 9-33-1

12 MW 1858

General and Revenue Secretariat.

A collection

Serial Nos. five

Manuscript Part B for June 1920.

SUBJECT

The Mysore Highways Regulation

Mamasamaiengar
15-9-17

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Proceedings of the General and Revenue Secretariat.

Judicial and Legislative (Legislation)

For June 1920.

"A" Collection. Serial Nos 3-5.

The Mysore Highway Regulation

Table of contents

Serial No	Number and date of letter and contents.	Page in A Proceedi
3.	To the First Assistant to the Resident in Mysore. No Pol 517 dated 30-11-1918. Forwards a copy of the Bill to control the traffic on Provincial Roads and states that it will be placed before the Legislative Council in due course.	
4.	From the First Assistant to the Resident in Mysore. No 8655 dated 14-12.18. States that the Resident sees no prima facie objection to the Bill being placed before the Legislative Council.	
5.	To the Compiler, Mysore Gazette. No G 26950 dated 2-6-1920. Publishes the Mysore Highway Regulation as Regulation No IV of 1920.	

T V R

R. S. III—1] 1917

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

P.R. 74 . 220-19 File No. 47-19

FILE HEADING.

Re Mysore Highways Regulation

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

RM.584-17 —

2

G.R.S. III—3]

ROUTINE NOTES

[To be used only for notes, requisitions, etc., not intended for permanent record.]

No. 220-17

Use file, re regulation of timber & other heavy traffic on roads: is forwarded to Br III for framing the necessary legislative measures as desd in para 17 thereof.

Sd

Passed on

RM Sec 1582. to Br III as per Secy's orders para 18 supra

GHL.1628-17

SECRETARIAT
III
OFFICIAL
21 MAY 1918

1) 3. Extracts from paras 12 & 17 of Forest 220-17 re control of timber traffic on Public roads.

× × ×

2) 4. There is a legislative enactment in Burma which exactly meets the case under consideration. Act V of 1901 (Burma Highways Act) intended for the

N. B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 47 of 1917.

Serial No.

regulation of traffic and the preservation of the surface of public roads and places" provides along with others for all the matters enumerated by the Executive Engineer, Mysore Div.

3) 5. It is for consideration whether the enactment of a similar Regulation in Mysore with the necessary changes may be taken up."

Sd/- B. R.
26/3/18

2nd member)

4) 6. "13. I have no objection to the above proposal so long as most roads continue to be provincial."

Sd/- A. R. Banerji
30/3/18

5) 7. 14. Assistant Secretary Br. III will kindly note on the question of taking up legislation on the lines proposed. It may also be ascertained whether a similar enactment is not in force in any parts of British India

Sd/- B. Ramam
1/4/18

NOTE—Contn. sheet.

General and Revenue Secretariat. | Legis File No. 4) of 191).

Serial No.

6) 15. Draft Regulation will be submitted, if approved, on the basis of the Burma Act. The only enactments that are in force in other parts of British India are Bombay Act I of 1883 & Govt of India Act. 8 of 1851 which provide for levy of tolls on roads

Into G.S. 3/4/18

(Revenue Secretary).

There have no bearing on the point under consideration

Into B.R. 25/5/18

7) Re 16. Submitted with reference to the instructions at para 1 above As it is clear that legislation is necessary to achieve the end in view, the paper will if approved, be transferred to the Legislative Section for further early action

Into B.R. 2nd 3/4/1

Dewan)

8) Re 17. In addition to framing the necessary legislative measures, provision should be made for a staff, to see that the regulations are observed

× × ×

Into H.V. 8/8/18

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-18—S

5

G. R. S. III-2j

General and Revenue Secretariat. | Legs File No. 47 of 191).

Serial No.	
9	Subm. with a draft to the Superintendent, Govt Printing, Burma Rangoon for 12 copies of the Burma Highways Act (Burma Act No V of 1907 ~~as bought~~ added together with a similar no of copies of any amending Acts thereof, if any 12. Issue 2/18/17
1	To the Supdt Govt Printing Burma No 3 4843 29th May 1918 Requests to forward to this office Rs V.P.P. 12 copies of the Burma Act V of 1907 (Burma Highways Act.)
2	No 2380 B.D. dated 11/6/18 from the Curator Govt Book Depot, Rangoon, Burma, Forward 12 copies of Act No 5 of 1907.
9	Subm. with a draft Bill with St of O & R S.V.S. 10/7 13/7/17 Please put up typed draft of Bill Objts: reasons as advised.
11	Subm with a typed copy of St of O and R 16/7 S.V.S.

NOTE—Contn. sheet.

2992

6.

6

G. R. S. III-2)

General and Revenue Secretariat. | Legs. File No. 44 of 1917-18

Serial No.

12) In favour of approval
Srinivasa Ay
19/7

254/20-7.

~~First Member~~ Dr. Hoffs
13) Secretaria pro
20/7

14) May be discussed by circulation
C.S. Balasundaram Ay
Dewan Dr
535/24-7-18
4.7.18

15) Agd
M. Visvesvaraya
4.8.18

16) Please Circulate C1
Balasundaram Ayer
5/8/18

17) The proposed regulation while I think need a much requires to amend & do such, I am in favour of it.
Raghavendra Rao
9.8.18

Sptd A. Draft final note & as Draft Submission note for approval.

Mdm
15.8.18

NOTE—Contn. sheet.

7

(For Disposal by Circulation).

No. C. 856

7/8/ 191 8.

7

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause ii of the Schedule)

Introduction of a Highways Regulation into Mysore.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C. S. Balasundaram Jr

7th July 191 8.

Chief *Secretary to Government.*

Extraordinary Member of Council.

First Member of Council. Seen.

Second Member of Council. Seen Opinion recorded 9.8.18

153/7.8.18

70/10.8.18

WD 2670—GPB—1,000—11-5-17

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 47 of 1917

Serial No.

14) Subd
V.A. D.F.W. & a.D.S.W. are
put up.

MOD
15.8.18
S.V.S.
17/8/18

15) Infavour approval.
Srinivasa
16/8

First Member 17
17/8

Fair Final Note signed by the
First Member is put up.

802
17/8

AS
19/8.

Dsn submitted

1050
25/8/18

Dewan

19/8/18

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

9

9

Final Note by the First Member of Council

Subject:—

Introduction of a Highways Regulation into Mysore.

W

10) In March 1918 His Highness ordered that the question of regulating timber and such other heavy traffic on Mysore-Mananttody Road on lines similar to what is in force in the neighbouring British Districts should be taken into consideration and necessary measures adopted.

11) There exists at present no statute empowering Government to control heavy traffic on Provincial roads. Consequently a Bill on the lines of the Burma Highway Act, 1907, is drafted to empower Government to frame adequate rules to regulate such traffic.

12) Page 7 of file The Bill has been approved by the Council.

The gracious approval of His Highness the Maharaja is ~~required~~ sought to place the Bill before the Legislative Council.

19th Dec 1918

First Member of Council.

C.856. 11

11

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Introduction of a Highways Regulation into Mysore.

Order.

Fr. 5563

12

12

The Palace,
Bangalore.
27th August 1918.

My dear Sir

With reference to the bill for the Regulation of -- traffic etc. received with your note No.8242 dated 24th August 1918, I am directed to state that it may be considered whether the wording of sub-clauses (2) and (3) of clause 1 may not be improved somewhat on the lines of the provisions to the same effect in the Mysore Public Conveyance Regulation of 1911. I am also to point out that a few of the matters dealt ..... in the bill are dealt with also in some other Regulations such as the Police Regulation and the Local Boards Regulation and to request that a scrutiny may be made as to which are all the Regulations the provisions in which will be affected by the provisions in the bill and to what extent those Regulations require to be modified or repealed.

I remain
yours sincerely
K. Anjaneya Rao

Sir M. Visvesvaraya, K.C.I.E.
Dewan of Mysore.

2492

13

General and Revenue Secretariat.

Legis File No. 47 of 191).

Serial No.

24/
Subd. with copies of the Mysore Police Regn., Mysore Public Conveyance Regn., the Mysore Municipal Regn. and the Mysore Local Boards and Village Panchayets Regn.

25) Sec: 38 (1) (e) of the Municipal Regn. provides for control of unwieldy traffic within municipal areas

26) Sec: 56 (1) (b) and (d) of the Mysore Police Regn. applies only to the case of control of all traffic so as not to cause obstruction to other traffic but it does not specially control unwieldy traffic with reference to protection of the road surface from being unduly damaged.

27) Sec: 38 (1) (g) of the Mysore Local Boards and Village Panchayets Regn, 1918, provides also for control of unwieldy traffic but applies only to Local fund roads.

28) The Public Conveyances Regn applies only to hackney carriages & and not to this kind of traffic

S.V.S.
17/9/18

These suggestions and analogous existing notifications apply to the case

VS/

NOTE—Contn. sheet.

WD A 1769—GPB—60,000—20-8-18—S.

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 47 of 1917.

Serial No.

29) As explained in the Statement of Objects and reasons, the measure is intended to regulate heavy traffic on provincial roads only. The Local Boards Regulation and the Municipal Regulation provide for such control over roads ~~within the respective~~ belonging ~~jurisdictions~~ to the local Boards & Municipalities. It is not intended to take away that jurisdiction. Hence under notification to issue under S 1 cl(3) it will be expressly stated that the Regulation will apply only to such roads as do not vest in any local authority. If however, it is considered necessary to limit the scope of the Regulation expressly by the specific statement in the Regulation itself, S(1)(3) may be altered as follows "The rest of this Regulation shall apply to such local roads as not under the control of local authorities and from such date as Govt may by notification direct." In view of the explanation hitherto already submitted, this alteration does not seem necessary.

G Srinivasa Ayyar
Es
30/10

~~First Member~~ Or

30) The alteration proposed does not seem to be necessary

Muthuraja Rao.
31/10/18

31) Stanyon
Es Srinivasa Ayyar
31/10

1743
31/10/18
Sir Child from Branch
file in connection with
letter from Surgeon Secy.

NOTE—Contn. sheet.

J 2952

Traffic on Mysore–Hanamkonda Road

WD 1233—GPB—60,000—1912-16—S.

G. R. S. III-2

General and Revenue Secretariat. | Legis File No. 47 of 1917.

Serial No.

2408 2-11-18

32) A demi-official letter received from the Huzur Secretary to His Highness the Maharaja and the draft of the reply thereto, are put up herewith.

B. G.
Asst
8-11-18.

Answer

33) Please put up a Do to PS to H from Dewan in reply to Mysore demi-official letter.

C. S. Balasundaram Iyer
Dy
6/11/18
PS to H

34) Submitted with draft Do. for approval.

C. S. Balasundaram Iyer
6/11/18

Chief Secretary

35) Please have the above typed.

VS ES
6/11

C. S. Balasundaram Iyer
Mysore
6) Mysore
C. S. Balasundaram Iyer
6/11/18

37) Typed draft is submitted

MOR
14.11.18

C. S. Balasundaram Iyer
14/11

Chief Secretary

Dewan

C. S. Balasundaram Iyer
14/11/18

IVD 2562 (a)
15-11-18

NOTE—Contn. sheet.

From Mr Duncan Colvin
Pte Secy to H H

Bangalore, 16/11/16

Dated, 20 November 1918.

D.O. 6147/Enquiries Law Courts

My Dear Sir,

In March 1918, His Highness ordered that ~~in~~ the question of regulating the timber and other heavy traffic on Mysore-Mamantoody road should be taken into consideration and necessary measures adopted to prevent damage to the road. As there is at present no statute empowering Government to control ~~in~~ the traffic on Provincial roads, a Bill on the lines of the Burma High Ways Act was drafted, approved by Council and submitted with my Submission Note No.8242 dated 24th August 1918. It was returned by the Private Secretary to His Highness the Yuvaraja for scrutiny as to whether the wording of ~~substances~~ sub-clauses (2) and (3) of Clause 1 may not be improved, and whether similar provisions in the Police and Local Boards Regulations do not require to be modified or repealed. This question was examined in the Legislative Section. As the object of Government is to apply the provisions of the Bill only to the Provincial Roads, suitable notification will be issued under the ~~Table~~ sub-clause (3). The Local Boards Regulation applies only to the roads belonging to the Local Boards, and no modification of the provisions of that Regulation or the Police Regulation is ~~concerned~~ considered necessary. The Points will, however, be examined once again in the Select Committee

Press please print this in italics

17 17

and necessary ~~attention~~ alterations effected. The gracious approval of His Highness is therefore solicited for placing the Bill before the Legislative Council.

Yours sincerely,

Dewar.

R. H. Campbell Esq C.I.E.
Private Secy to H.H.
the Maharaja

PRIVATE SECRETARY MYSORE

The Palace, Mysore,
25th November 1918.

My dear Sir,

I am directed to return file relating to the control of the traffic on Provincial Roads and to say that His Highness approves of placing the draft bill on the lines of the Burma High ways Act before the Legislative Council.

Yours sincerely,

Sir M. Visvesvaraya, K.C.I.E.,
Dewan of Mysore,
Bangalore.

R. S. III-2]

General and Revenue Secretariat. | Legs File No. 47 of 1917.

Serial No.	
38	Subd with a draft to the Residency. HS 28/11
39	Issue Ex minutes. 29/11
3	To, The F. A. Resident Pol 517 Dt 30-11-18 forwards a copy of a Bill to control the traffic on Provincial Roads and States that it will be placed before the Legislative Council in due course.
4	From The F.A. Resident No 8655 Dt 14-12-18 States that the Hon'ble Resident sees no prima facie objection to the Bill being laid before the Legis Council.
40	Subd. If approved, this will be included in the agenda of the next Legis. Council meeting. MVR 18.12.18
41	Yes GMD G.B. Deshmukh 20.1 26.12.18

The Bill has been included in the agenda for the meeting of the 24th March 19. Forms for obtaining the written permission of the Dewan under Sec 12 of the Legislative Council Regulation have been subd already. AR 17/3

NOTE—Contn. sheet.

WD A 1769—GPB—60,000—20-8-18—S.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Subd.

24th March 1919

According to the draft agenda approved for the next meeting of the Legve Council, motions for leave to introduce the Bill to amend the Mysore Railway Regulation, 1894 and the Bill for the regulation of ~~to control the~~ traffic on ~~provincial~~ public roads, have to be made by the Second Member of Council.

copies put up

The forms asking for the Dewan's written permission to introduce the Bills [illegible] are put up duly filled in; for favr. of signature by the Second Member & the Dewan respectively:

AAR 12/3

Subd for favour of sign & return

D M. 12/3

II Member

Bonnerjee

Reed

4. 3. 19

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G. R. S. VII—S-III/5]

GOVERNMENT OF HIS HIGHNES
MAHARAJA OF MYSORE.

Office of the Dewan of Mysore.

Dated Bangalore, 15th March *1919.*

No.....

Mr. P. Raghavendra Rao, B.A., B.L. Member of the Mysore Legislative Council, is hereby permitted to introduce a bill for the regulation of traffic and the preservation of the surface of public roads and places in Mysore

.....

.....

.....

at a meeting of the said Council, subject to the rules for the time being in force under the Mysore Legislative Council Regulation, No. I of 1917.

Dewan of Mysore.

W D 02215—GPB—500—11-5-17

G. R. S. VII—S-III/4]

PUBLIC OFFICES BUILDINGS.

Dated Bangalore, 11th March 1919

FROM

P. Raghavendra Rao Esq. B.A, B.L
Second Member of Council
and Member, Mysore Legislative Council

To

A. R. Banerji Esq. M.A, I.C.S, C.I.E.
&c. *Dewan of Mysore.*

SIR,

I beg to request your sanction in writing under Section 12 of Regulation I of 1907, for introducing a bill ~~for the~~ regulation of traffic and the preservation of the surface of public roads and places in Mysore. ... ...

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 47 of 1917

Serial No.

Leave to introduce the Bill was granted at the meeting of the Legislative Council held on the 14th instant.

Submitted with a draft forwarding the Bill for publication in the Gazette under Rule 31 of the Rules of Business.

Asst. 2/5/19

J. Jones Dy. Secy. 2/5

✓✓

From

M. K. Krishnamurti Rao Esq.
Member, Legislative Council

Letter dated 4-5-19, Requests, that Special permission may be obtained of the President, for his moving certain amendments to the Bill.

Submitted for kind perusal and orders. The Bill had not been included in the agenda for the last meeting.

8/5 14.5.19

His for consideration if the amendments are not premature. Under Rule 33, the Bill has yet to be read in Council and its general provisions & principles discussed. The amendments proposed may perhaps be referred to the Select Committee to be appointed to consider the Bill or the member asked to send them, if necessary, after the publication of the Select Committee's report, vide rules 47 & 48.

Asst. 14/5

N To the Compiler, Miscellaneous no. 284 dt. 9-4-19 Publishes the Bill for general information

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-18—S.

G. R. S. III-2]

16013

2/
4

General and Revenue Secretariat. Legis File No. 47 of 1917.

Serial No.

The amendments proposed do not affect the Substance of the Bill. Besides, they should not be moved until the Bill is actually taken into Consdn (Indn R: 48)

The amendments proposed will be placed before the Select Committee. Please inform the Member accordingly.

D. M. 8/6

Rec'd 10/6

Submitted with draft

A&R 10/6

Submitted for approval

D. M. 10/6

Chief Secy

I think the correct procedure would be to have a motion in the agenda to refer the suggested amendment to the Select Committee.

It would be desirable to have a rule like 44 under which all such suggested modifications made at this stage would automatically go before the Select Committee without separate motion in the Council.

Bombay CSK 14/6/19

I am afraid the proposed Amendments cannot be moved at this Stage. As Rule 48 requires that after Bill

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-18—G.

16013

G. R. S. III-2]

General and Revenue Secretariat.

Legs File No. 47 of 1917.

Serial No.

at the stage where it is should be "actually taken into consideration" which is not yet.

The President may inform the Member, at the meeting, why his motion has had to be excluded from the agenda but that the same will be kept with the papers to be placed before the Select Committee

14-6-19
D. M.
14/6

It was accordingly been excluded from the Agenda.

Submd for information

D. M.
14/6

(Dewan) Secy
15.6

D. M.
15/6

DEWAN'S OFFICE
Read JUN 15 1919
No. 7463.

Resubd.

As the Second Member of Council is in charge of the Bill, the file may perhaps be subd herein. The motions standing against his name are (1) that the Bill be read in Council & (2) that the Bill be refered to a Select committee; vide copy of the Agenda put up. The names proposed for the Select Comtee in the Agenda file are noted in the margin

Subd
D. M.
17/6

Adm
17/6

II Member
I shd like to have Mr. Chennappa on this committee. Mr. M. K. K. Rao has suggested some amendments, wh. will be considered by the Select Comtee & his place may be given to Mr. Chennappa.

19.6.19

× Mr P. Raghavendra Rao.
" S. Cadambi
" K. Shantanarayana Rao
" M. K. Krishnamurthi Rao
" B. Narasinga Rao.

794 & -91

13.6.19

NOTE—Contn. sheet.

1603. 23 23

General and Revenue Secretariat.

Legs File No. 47 of 1919.

Serial No.

The Bill was read in Council at the meeting of the 20th June 1919 and was referred to a Select Committee consisting of

(1) Mr. P. Raghavendra Rao
(2) " S. Cadambi
(3) " K. Shankaranarayanarao
(4) " B. Narasimgarao &
(5) Rao Sahib Mr. N. Chennaya.

Subd for orders as to the date to be fixed for the meeting of the Select Committee.

ARR 26/6

Subd for favour of a date.

The dates noted on the margin have already been fixed for select committees. A date in August may perhaps be fixed if no objn

D. M. 6/7

II Member

The Second or the third Saturday in the month may be fixed for the meeting. 3 p.m. from hence

Rael 10.7.19

12.7.19 (Forest Regn)
14.7.19 (Excise Regn)
16.7.19 (Prime Movers & Steam Boilers Bill)
19.7.19 (Village Cts: Regn)

119-119
1.7.19

NOTE—Contn. sheet.

(25

G. R. S. III-2]

General and Revenue Secretariat.

1603 28

Legs File No. 47 of 1919

Serial No.

The Select Committee met on the 9th instant and considered the Bill as well as Mr Krishnamurthi Rao's amendments.

Submit with a draft report of the Select Comtee and a copy of the Bill as amended by them. After approval, the draft will be ~~sent~~ circulated to the members and then published.

~~Please put the~~

NSR 2/18

[Please get the Report & Bill typed after ~~approved~~ by Member ~~Legs~~ Legs

Draft report of the S. Committee & the amended Bill are submitted for favour of approval

D. M. 3018

I Member

1601 1506 + IV 1.9.19

Sorry approves

Recd 2.9.19

Please circulate

Legs 3/9

D. M. 3/9

Submit with a draft forwarding the report & the amended bill to the members for acceptance

By 4/9/19 Sorry 4/9

Issues D. M. 5/9/19

Issued 96-97 By 11-9-19 L.C

NOTE—Contn. sheet.

: R. S. III-2]

16013

26

General and Revenue Secretariat.

Legs File No. 47 of 1917.

Serial No.

Draft Report has been received from all the members of the S.C. Mr. Chennaiya has suggested certain verbal alterations. Mr. Narasinga Rao has suggested that since only "Public roads" has been defined, "road" may be substituted for "Roadway" in clause 3(2)(a).

Mr. Shenkaranarayana Rao suggests certain modifications in the definition of the term "Public Roads"

Orders are solicited how far these alterations have to be adopted.

Draft notification is also enclosed.

Sd/ 30/9 AM 30/9

Mr. G.A.'s alterations appear to be appropriate & may be adopted to the report suitably revised

D.M. 2/10

Subd.: The proposed alterations have been incorporated in the report.

Sd/ 4/10

Mr. G.A.'s Advocates Suggestions seem to be appropriate & may perhaps be adopted. No alteration

NOTE—Contn. sheet

G. R. S. III-2

1603

27

General and Revenue Secretariat.

Legn. File No. 67 of 1917.

Serial No.

Suggested by Mr B. Narasimhayya also does not seem to be necessary. In an enactment it is not necessary to define every term. It would seem that definitions should be as few as possible

Submitted for orders

D. M. 6/10

I Member

2528-168. 11.10.19.

As suggested by Mr. B. Narasimhayya the word "road" may be substituted for "way" in cl 3 sub cl (2) (a). The suggestion may be accepted themselves also. The bill as now finally revised may now be put through in the usual course.

Pell 12.10.19.

D. M. 18/10

R 18/10

Legn 18/10

The Labour suggestions have been incorporated in the Bill submitted for orders at the draft notification may issue

86 22/10

Abd 23/10

yes D. M. 23/10

Issued 161 L. C 29-10-19

NOTE—Contn. sheet.

General and Revenu Secretariat.

Legn File No. 47 of 1917

Serial No.

Subd. Mr. Krishna Rao has given notice of certain amendments ~~to the Bill~~ clause 27 the Bill ...

On the draft report of the Select committee the clause was as follows:-

H.T

(1) 'Public Roads' means and includes all roads, bridges, ~~bridleways~~, not vested in any local authority; and

(2) 'Places' means and includes vehicle stands public roads, not vested in any local authority.

The present form was adopted on the suggestion of the Govt. Advocate ~~in~~ on the ground that the original wording was vague & might include private roads also

H.W.

It is for orders if the amendments proposed by Mr. Krishna Rao may be included in the agenda

Draft motion is also put up Submd. for orders

8/3

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Legis File No. 47 16013 of 1917.

Serial No.

No St. of O. & R. shows that the Repn is applicable to provincial roads. Besides, its operation will be restricted to such areas as may be found necessary.

In view of clauses (a), (b) etc under the definition of "public road" the proposed amendment seems to be unnecessary.

But since it has been received at this preliminary stage, it may perhaps be included in the Agenda.

Chief Secy. D. M. 9/3

3rd Member 9/3.

Please include in the Agenda. Since no principle is involved the Chief Secy has ordered that further action may be taken

D. M. 9/3

Legis 9/3

Submd. The amendment has been included in the agenda. The file may perhaps be subm-

NOTE—Contn. sheet.

G. R. S. III-2)

1603

30

General and Revenue Secretariat. | Legs File No. 4 of 191).

Serial No.

Submitted to the Members
No amendment has been included in the Agenda
Sd/- for perusal
17/3
17/3
I Member
Dt. 18/3

Office to kindly put up a copy of the Amdt also flagged the amendt
Dt. 18/3

Please ask the A.G.'s opinion on this amendt before proceeding further. Also the Minutes (S. of Members) Came up
17/3

108
18/3/20

Forwarded U.O. with compliments to the Govt. Advocate for favour of opinion on the amendment
B-C.
Mahadevappa
for Chief Secy
19/3/20.

Of the amendments proposed by Mr Krishnarao the first, viz, to insert the words "mean and" between "shall" and "include", is unnecessary. Indeed they had been first put in but were deleted at my suggestion. "means" is used where it is

G. R. S. III-2]

General and Revenue Secretariat. | Legal File No. 47 of 1917.

Serial No.

is intended to limit the significance of the word sought to be defined to certain specified cases, and "includes" is used where the word has a wide connotation and it is intended to bring some specific cases within the definition to obviate any possible doubts. It is not usual, and in some cases it might be even inconsistent, to use both the expressions "means" and "includes" at the same time. Either the one or the other expression is used according to circumstances.

As regards clause (ii) of the proposed amendment I am of opinion that it is unnecessary. If it be adopted the clause "over which the public have a right of way" would become either redundant or meaningless. The wording already proposed appears to be more appropriate and adequate.

NOTE—Contn. sheet.

G. R S. III-2]

1602 32

General and Revenue Secretariat. | Legis File No. 47 of 1917

Serial No.

Post the amendment relating to the definition of "places" may be accepted omitting the words "shall mean and" and substituting "includes" for "include", and the amended definition would read thus:- "Places" includes vehicle stands but not vested in any local authority, or private person or company." This amendment is likely to make the meaning plainer than the definition proposed by the Select Committee

H Shanbunnee
Govt Advocate
19-3-20.

Subd with the opinion of the Govt Advocate.
Hon'ble Member is invited to Bill V & W (Highways Bill) & X, Y & Z (Steam Boilers & P.W. Bill) in the Copies of the previous Council proceedings
The file relating to Steam Boilers Bill is also sent up for possible reference

I Member

D. M. 20/3

NOTE—Contn. sheet.

188 20/3/20

G. R. S. III-2]

General and Revenue Secretariat.

Legal File No. 17 of 1917

Serial No.

The Report of the Bill as may be seen from an examination of its contents is not merely the preservation of the Surface of the public roads but intended also to safeguard the interests of the public and to provide for their convenience and safety while travelling. — Clauses d, e, f, g, h, k [illegible] from the Bill with the Report in view. The proposed Regulations cannot be enforced in its scope to public roads only. It must apply also to private roads over which the public have a right of way. This has been provided for in the section as it has been framed The Amendment proposed by the Kerikeri Road Board will introduce an element of confusion and uncertainty as it creates a distinction between private roads and also excludes from the operation of the Bill. The Amendment serves no useful purpose & may be rejected.

The Kerikeri Amendment proposed to exclude 2. may also be carried & accepted,

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Legs. File No. 47 of 191

Serial No.

the reason stated above that this bill applies to private [illegible] Clause (b) [illegible] such 2 [illegible] Must apply to private [illegible] Roads abutting the high roads. It is dangerous that public to allow vehicles and animals to stand in road side vehicle stands unattended by a proper care taker. Clause 6 also will have to be modified if the Krishna Rao's amendment is accepted. Regarding clause 9, we will have to make rules to allow the [illegible] to safeguard such stands and their [illegible] to examine the vehicles and prevent over-loading &c — the bill as it has been framed does not interfere with private rights & property. Any person whose property is absolutely necessary for the safety & the public such persons whose rights & the public are to be found in the Place & Municipal Regulations. The amendment if accepted will necessitate —

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Legal File No. 47 of 1917

Serial No.

Mr. Chandrasekhara Aiyar's Legal Practitioners Amendment Bill

24/3/20

1st Number with compliments—

D/ the amendment gets Extended the 4th Aug 1920 reply & against — — on behalf of Govt

24.3

25/3

Govt. Advocate

D.M. 25/3

Sent & rec'd by the Govt. Advocate

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Legs File No. 47 of 1917 — 16013 — 18

Serial No.

42) Leave was granted for the introduction of the Bill at the meeting of the Legislative Council on the 25th March 1919. It was read and referred to a S.C on the 30th June 1919. The report of the S.C was published on 29th October 1919. The Bill & the S.C report was considered the Bill as amended by the S.C was passed at the meeting on the 25th March 1920

43) H.H's Sanction for promulgating the Bill into law is now required Submitted with a D.F.N and D.S.

8/7 1/4 Asst 1/4

44) Please work up clean copy as revised. D.F.N. D. Mahadeva S 1/4

Legs 5/4

45) Clean D.F.N Submit

Asst 7/4

46) Submitted with D.F.N. P. Mahadevayya 7/4

185 8/4/20

I Member 4/4 Ex Mode solengl put up 9/4

NOTE—Contn. sheet.

G. R. S. III-2]

16013

37

General and Revenue Secretariat.

File No. 47 of 191 7

Serial No.

D-S-N-Sated

Dewan

CBB 9/4/20

D.M. 9/4

DEWAN'S OFFICE.
Recd. on APR' 9 1920
Reg. No. 6956

NOTE—Contn. sheet.

Submitted to His Highness.

I submit herewith a Final Note by the....First.. .. *Member of Council on the subject of*..promulgating..the Bill..for..the..regulation..of...traffic..and..preservation of public..roads..and..places..in..Mysore,...into..law,..... *for His Highness' gracious approval.*

12th April 1920

Dewan.

STATEMENT OF CASES SUBMITTED FOR THE ORDERS OF HIS HIGHNESS THE MAHARAJA DURING THE TOUR OUTSIDE THE STATE IN.....APRIL.....1920

Serial No.	Subject	Recommendation of ~~Council, or~~ Member of Government in charge, ~~as the case may be~~	Dewan's recommendation	Orders of His Highness	Orders regarding submission of files (*vide* foot-note)
1044	Bill for the regulation and preservation of public roads and places in Mysore.	Gracious sanction of His Highness for promulgating the Bill into law is solicited.	The recommendation of the First Member may be graciously approved.	30/ Approved by H.H. Sd/ Mirza M. Ismail Recd 10-5-20 Cl-Ly Secy Secretary Pro Sd/ 13/5 Pm. Public Works	C Recd 29.4.20 E

NOTE.—The letter a, b or c may kindly be inserted by the Private Secretary to His Highness in the last column to indicate whether—

File may be submitted at once ... ... a
File may be submitted after His Highness' return ... ... b
File may not be submitted at all c

WD 1212—GPB —500—7-1-19

General and Revenue Secretariat. | Legs. File No. 67 of 1917

Serial No.

51) Subd. with a draft promulgating the Bill into law. At the last meeting Mr. Matthan suggested certain corrections to be made in clause 5 & the words "If he does not reside in Mysore" are accordingly altered as "if he, being a non-resident of Mysore" Mr. Rangiah also suggested that the words "name and residence" in line 10 of S. 5 ought to be "name or residence" This draft also been altered in the copy to be sent to Press.

(Vide proceedings Copy post ufo p. 24)

52) Subd. for approval or other orders

8/6 24/8 I wish to compare the draft with the amendments noted in my copy of the Bill. Do so after the Mysore pte. is (rich Ship).

D. M. 24/8

53) Issues D. Mahadevaiyer 28/8

NOTE—Contn. sheet.

G. R. S. III-2}

42

General and Revenue Secretariat.	Legis File No. 47 of 1917
Serial No.	
5	To The Compiler, Mysore Gazette. No. G. 26950 Dt 2nd June 1920. Publishes the Mysore Highway Regulation as Reg^n IV of 1920.

NOTE—Contn. sheet.

G. R. S. VI—G/321

43

SUBJECT.....

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Diary No. of letter replied to.....

Section Legis
File No. 41-17
Serial No. 1

GENERAL AND REVENUE SECRETARIAT,
( )
, *the* 191 .

No. 4843

Date of issue 29/5/18

To

Signed by W. C. Sreenivasa

The Supdt Govt Printing
Burma, Rangoon

Sir

I am directed to request you to be so good as to forward to this office by V.P.P. at an early date. 12 copies of the Burma Act I of 1903 (Burma Highways Act) together with a similar no of copies of later amending Acts therefore

over.

Office of the Curator, Government Book Depot. Burma.

Voucher No. 2430 R

ADVICE NOTE.

Despatched 11/6/18

Forwarded to [illegible] by [illegible] in compliance of

Indent No. [illegible], dated [illegible], with the remark

DIARY No. 9992

Clerk, Book Depot.

Folio No.	Title of Books.	No.	Price. Rs.	A.	P.	Amount received. Rs.	A	P.	Difference. Rs.	A.	P.
	Barnett Ms 9/17	1	12	1	8						
	Dalagi Ms				2						
						6253					
	Diary No. 2580 K.G. Total ...		1	10							

NOTE.—(1) In future correspondence on the subject, please invariably refer to the No. and date of this Voucher.
(2) In the case of books not being received on the due date, enquiry should at once be made at the local Post Office

မှတ်ရန်။ ။၁ ဤအကြောင်းနှင့်စပ်ဆက်သည့်၌ နောက်စာရေးသားထွင်။ ယခုထောင်ချာနံပါတ်နှင့်နေ့များကို ရည်ညွှန်းခေး ဝေထုံကြောင်း။

၂။ ။၀အရပ်များကိုရသန့်သည့်နေ့ရက်တွင်မ ခမရှိထျင်။ဆိုင်ရ ဖြို့ရွာစာဒိုကိုက်တွင်စုံစမ်းမေမြန်းထောက်လှမ်းစေထိုကြောင်း။

B.C.P.O.—No. 33, S.,G.P., 5-6-17—10,000.

27/11

46

F. R. S. VI—G/32]

SUBJECT.....

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Section Legis
File No. 47/17
Serial No. 3

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, *the* 191 .

Pol No. 5-17 & Conf 30-11-18

Date of issue 30 - 11 - 1918

To

The F. A. Resident in Mysore

Signed by Lt. C. S. Balakrishna Iyer

Sir,

I am directed to forward herewith a copy of a Bill to control the traffic on Provincial Roads on the lines of the Burma High ways Acts together with a Statement of objects and reasons [8&3]

The Bill will be placed before the Legislative Council in due course

I have etc

H.S. 28-11

27/11

By Order Secy to Govt

over

NOTIFICATION.

No. 284—*L. C., dated 9th April* 1919.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill for the regulation of traffic and the preservation of the surface of public roads and places in Mysore is published for general information with the statement of objects and reasons.

By Order,
P. MAHADEVAYYA,
Secretary, Mysore Legislative Council.

A Bill for the Regulation of traffic and the preservation of the surface of public roads and places in Mysore.

Whereas it is expedient to provide for the regulation of traffic and the preservation of the surface of public roads and places in Mysore, His Highness the Maharaja is pleased to enact as follows: –

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Highway Regulation.

(2) This section shall extend to the whole of Mysore and shall come into force at once.

(3) The rest of this Regulation shall apply to such local areas and from such dates as Government may by notification direct.

Power to make rules.

2. (1) Government may make rules for the regulation of traffic on public roads and places and for the preservation of the surface of such roads and places.

(2) Without prejudice to the generality of the foregoing power, such rules may contain directions as to all or any of the following matters, namely:—

(*a*) prohibiting or restricting the use of vehicles of any particular class or description considered likely to cause damage or excessive wear to the surface of the roadway or to drop materials or obstructions thereon and in particular, where a berm or side-track is provided confining such vehicles to the berm or side-track during the dry season.

(*b*) prohibiting or restricting the use of vehicles not provided with brakes of such character as may be required by the rules.

(*c*) prohibiting or restricting the use of vehicles or animals which are of such a nature or in such a condition as to be likely to cause annoyance, inconvenience or danger to the public;

(*d*) providing for the granting of licenses to drive vehicles of any particular class or description, the fees chargeable in respect of such licenses and the authority by which and the conditions upon which such licenses may be granted, suspended and revoked;

(*e*) prohibiting the driving of any such vehicles by unlicensed persons;

(*f*) prohibiting the leaving of vehicles or animals unattended or in the charge of incompetent persons;

(*g*) the speed at which vehicles or animals may be driven or ridden;

(*h*) the rules of the road;

(*i*) the registration of vehicles plying for hire, the fees chargeable in respect of such registration and the carrying of number or name plates on vehicles so registered.

(*j*) prohibiting the driving or riding of vehicles or animals on footways or other places where their use may be attended with danger to the public.

(*k*) prohibiting the halting of vehicles or animals at places other than the proper camps or refuges;

(*l*) the carrying and use on vehicles and animals of a bell or other instrument for giving audible and sufficient warning of their approach or position;

(*m*) the carrying of lights on vehicles between sunset and sunrise and the description of lights to be carried and the position in which they should be placed;

(1 6

(*n*) the stoppage of vehicles or animals when required by the Police for the regulation of traffic or for other reasonable purpose;

(*o*) the maximum weight or the number of passengers to be carried on each description of vehicle or animal;

(*p*) empowering specified officers to issue notices requiring owners or occupiers of land—

(i) to lop the branches of any trees growing on such land and overhanging the road so as to cause obstruction or danger, and

(ii) to cut or trim any hedges or noxious vegetation, growing on such land which may be considered likely to intercept a view of approaching traffic on the road, or on any side road or other approach thereto, and

(iii) to remove from the road any branches, trimmings and vegetation lopped or cut by such owners or occupiers;

(*q*) imposing on such owners or occupiers of land the duty to comply with such notices within a reasonable time and authorising such officers to lop, cut or trim such trees, hedges and vegetation in a case of default;

(*r*) and generally the prevention of obstruction to traffic and of annoyance, danger or injury to the public.

(3) All rules made under this section shall be made after previous publication and when made shall be finally published in the Gazette and shall come into operation from the date of such final publication.

Penalties

3. Any breach of any rule made under this Regulation may, on conviction, be punished with fine which may extend to fifty rupees or in the case of a second or subsequent conviction to two hundred rupees.

Arrest of offenders before warrant.

4. (1) Any police officer or any other officer appointed by the Government to exercise this power may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under Section 2, if the name and residence of such person be unknown to such officer and cannot be ascertained by him then and there.

(2) When any such arrest has been made the provisions of Section 57 subsections (2) and (3) and Sections 60 to 63 of the Code of Criminal Procedure, 1904, shall apply.

Statement of Objects and Reasons.

There is at present no statute empowering Government to control heavy traffic on provincial roads. Consequently the roads with such heavy traffic become cut up very soon rendering other traffic very uncomfortable and sometimes even dangerous. It is therefore intended to introduce into Mysore a regulation on the lines of the Burma Highway Act, 1907, and thereby take power to Government to frame adequate rules to regulate such heavy traffic. The regulation will be applied only to such areas as may be found necessary.

Statement of Objects and Reasons.

There is at present no statute empowering Government to control heavy traffic on provincial roads. Consequently the roads with such heavy traffic become cut up very soon render other traffic very uncomfortable and sometimes even dangerous. It is therefore intended to introduce into Mysore a Regulation on the lines of the Burma Highway Act, 1907, and thereby take power to Government to frame adequate rules to regulate such heavy traffic. The Regulation will be applied only to such areas as may be found necessary.

CP.

R. O. 2.—R. P. B.—11-1918.—1,000.

No. 8655.

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 14th December 1918.

SIR,

I am directed to acknowledge the receipt of your letter No. Pol.517, dated the 30th November 1918, forwarding a copy of a Bill to control the traffic on Provincial Roads in Mysore, and in reply, to say that the Hon'ble the Resident sees no prima facie objection to the Bill being laid before the Legislative Council.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

KARNICK KRISHNAMURTI RAO
MAGADI ZAMINDAR,
MEMBER OF THE MYSORE LEGISLATIVE COUNCIL

BASAVANGUDI,
BANGALORE CITY,
4th May 1919. 191

To.

P. Mahadevaiah Esquire B.A B.L.
Secretary, Mysore Legislative Council
B A N G A L O R E.

Sir,

With reference to the draft Mysore Highway Regulation received with your No. 353-763L.C. dated 3rd instant, I beg that special permission of the President may kindly be obetained for my moving the following amendments to the bill under proviso to Rule 22 of the ~~sub~~ rules for the conduct of business of the Legislative Council, if the bill comes up for considaration on the 9th instant, as I could not send notice earlier owing to the receipt of the bill today.

1. Clause 1. sub-clause 2 & 3 --
   For the words " this section " substitute the word "it" in sub-clause 2, and omit sub-clause 3.
2. In clause 2. sub-clause 1---
   Omit the words "and places" in both the places where they accur, and add the following words at the end changing the full stop into a cama!--

"provided that all or any such rules shall apply only to such local areas and from such dates as Government may direct by notification with the approval of this council".

3. In sub-clause 3. after the words "after previous publication" add the words "and with the approval of this council" and after the words "and when" add the word "so"!.
4. In clause 4 sub-clausel.
   for the words"cannot be ascertained by him then and there" substitute the words" the person refuses to give his name and address to the officer.
5. Add the following as sub-clause 3 under clause 4.
   "(3) any such person giving a falce name or address to such officer may, on conviction, be punished with fine which may extend to Rupees 100.

I beg ~~to~~ remain
sir
your most obedient servant

3/4

G. R. S. VI—8-III/13]

DRAFT

SUBJECT .....

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Section. Legis
File No. 49 of 17
Serial No.

No. 284 L.C.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
(Legis)
, *the*.....191

Date of issue.....9-6-19.....

Signed by...Mr. P. Mahadevaiya

NOTIFICATION.

Under Rule 31/20 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying.....Bill for the regulation of traffic and the preservation of the surface of public roads and places in Mysore.....
is published for general information with the statement of objects and reasons.

By Order,

P. M. 19

Secretary, Mysore Legislative Council.

(Here print the accompanying Bill with the statement of objects and reasons).

To

The Compiler, *Mysore Gazette* for publication in Part III of the Gazette in English and Kannada and for sending .100..copies in English and...25...copies in Kannada to this office. Proof should be sent to this office for approval before publication.

ABR 27/3

2-7-19

G. R. S. VI.—s-III/9]

DRAFT.

SUBJECT.....

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Section. L.C

File No.

Serial No.

Diary No. of letter replied to.....

No. 161 L.C

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....*191*

Date of issue 29-10-19

Signed by Mr. P. Mahadevaiah in my sd

NOTIFICATION.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to The Regulation of traffic and the Preservation of the surface of public roads and places is published for general information with the Bill as amended by them.

By Order,

Secretary, Mysore Legislative Council.

To

The Compiler, *Mysore Gazette* for publication in Part III of the Gazette in English and Kannada and for supplying 100 spare copies in English and 20 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

AA 309

Repat of the Select Committee on the Bill for the regulation of traffic and the preservation of the surface of public roads and places in Mysore

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We, three members of the Select Committee appointed ~~have the honor to report that we~~ to consider the above Bill, have carefully considered the provisions of the Bill and also the amendments thereto suggested by Mr. M. K. Krishnamurthi Rao, and ~~have the honor to submit that we have decided to make~~ have the honor to submit the following report ~~amendment~~:—

Clause 1 (2) & (3). As the provisions in these sub-clauses regarding the extent and commencement of the Regulation are not quite clear ~~and to a certain extent overlap each other~~, we have thought it necessary to recast them as follows:—

"(2) It shall extend to the whole of Mysore."

"(3) It shall come into force in such local areas and from such dates as Government may by notification in the Official Gazette direct."

New clause. We consider that it is desirable to define the terms 'public roads' and 'places' ~~require definition~~ with a view to specify ~~make it clear~~ what they are intended to include. We have ~~accordingly therefore~~ inserted a new clause, viz: clause 2, for this purpose, ~~making the present clause 2, clause 3~~, and renumbering ~~re~~ the remaining ~~rest~~ clauses.

The new clause runs as follows:—

2. In this Regulation, unless there is anything repugnant in the subject or context,

Definitions

(1) 'Public roads' means and includes all roads, bridges carriageways, cartways, causeways, footways bridleways, not vested in any local authority; and

(2) 'Places' means and includes vehicle stands, embankments or ramps, camps or refuges forming approaches to public roads, not vested in any local authority."

cl: 3, (9) omit "a" between the words "in" and "case" occurring

Clause 3 (as renumbered) Sub-clause (v): As the object of the Bill is the preservation of "road surface", we have considered it necessary to insert these words in this sub-clause after the words "prevention of obstruction to traffic"

Clause 4 (as renumbered). To make it clear that the conviction referred to in this clause is before a magistrate, we have inserted these words after the word "conviction" Further, there being no provision in the clause regarding the manner of the recovery of the fine, the following sentence has been added :—

"All such fines shall be recovered in the manner ~~laid down~~ prescribed in the Code of Criminal Procedure

Clause 5 (as renumbered) sub-clause 1. We have revised the latter part of this clause so as to bring it into line with the wording of section 57 (1) of the Code of Criminal Procedure in regard to the disclosure of the name and residence of the offender and also to provide for the case of persons who are not residents of the State. (We have also substituted the words in this behalf for the words 'exercising this power'.) As thus amended this Clause reads as follows :—

"Any Police officer or any other officer appointed by the Govt in this behalf may, without an order from a magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under section 3, if he refuses on demand of such officer to give his name and residence, or

gives a name and residence which such officer has reason to believe to be false, or if he does not reside in Mysore fails to furnish sufficient security for his appearance when required.

Sub-clause 2 of the above As sections 64 and 65 of the Code of Criminal Proc^re do not relate to the procedure after arrest we have substituted for the figures 60 to 68 occurring in this sub-clause the figures '60 to 63, 66 and 67'.

We recommend that the Bill may be passed with the additions and alterations noted above.

Rao
2.9.18

M.
2.9.18

Asst
20/9

2. In this Regulation, unless there is something repugnant in the subject or context, S

Definitions: (1) 'Public roads' means and includes all roads, bridges, carriageways, (carriageway, footway, bridgeways, not vested in any local authority; and

(2) 'Places' means and includes vehicle stands, embankments or ramps camps or refuges forming approaches to public roads, not vested in any local authority.

NOTIFICATION.

No. 284—L. C., dated 9th April 1919.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill for the regulation of traffic and the preservation of the surface of public roads and places in Mysore is published for general information with the statement of objects and reasons.

By Order,
P. MAHADEVAYYA,
Secretary, Mysore Legislative Council.

A Bill for the Regulation of traffic and the preservation of the surface of public roads and places in Mysore.

(As amended by the Select committee)

Whereas it is expedient to provide for the regulation of traffic and the preservation of the surface of public roads and places in Mysore, His Highness the Maharaja is pleased to enact as follows: —

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Highway Regulation.

(2) [This section] [It] shall extend to the whole of Mysore [and] shall come into force at once.

(3) [The rest of this Regulation shall apply to] [It shall come into force in] such local areas and from such dates as Government may by notification direct. in the Gazette

Power to make rules.

[2] 3(1) Government may make rules for the regulation of traffic on public roads and places and for the preservation of the surface of such roads and places.

(2) Without prejudice to the generality of the foregoing power, such rules may contain directions as to all or any of the following matters, namely:

(*a*) prohibiting or restricting the use of vehicles of any particular class or description considered likely to cause damage or excessive wear to the surface of the roadway or to drop materials or obstructions thereon and in particular, where a berm or side-track is provided confining such vehicles to the berm or side-track during the dry season.

(*b*) prohibiting or restricting the use of vehicles not provided with brakes of such character as may be required by the rules.

(*c*) prohibiting or restricting the use of vehicles or animals which are of such a nature or in such a condition as to be likely to cause annoyance, inconvenience or danger to the public;

(*d*) providing for the granting of licenses to drive vehicles of any particular class or description, the fees chargeable in respect of such licenses and the authority by which and the conditions upon which such licenses may be granted, suspended and revoked;

(*e*) prohibiting the driving of any such vehicles by unlicensed persons;

(*f*) prohibiting the leaving of vehicles or animals unattended or in the charge of incompetent persons;

(*g*) the speed at which vehicles or animals may be driven or ridden;

(*h*) the rules of the road;

(*i*) the registration of vehicles plying for hire, the fees chargeable in respect of such registration and the carrying of number or name plates on vehicles so registered.

(*j*) prohibiting the driving or riding of vehicles or animals on footways or other places where their use may be attended with danger to the public.

(*k*) prohibiting the halting of vehicles or animals at places other than the proper camps or refuges;

(*l*) the carrying and use on vehicles and animals of a bell or other instrument for giving audible and sufficient warning of their approach or position;

(*m*) the carrying of lights on vehicles between sunset and sunrise and the description of lights to be carried and the position in which they should be placed

(*n*) the stoppage of vehicles or animals when required by the Police for the regulation of traffic or for other reasonable purpose;

(*o*) the maximum weight or the number of passengers to be carried on each description of vehicle or animal;

(*p*) empowering specified officers to issue notices requiring owners or occupiers of land—

(i) to lop the branches of any trees growing on such land and overhanging the road so as to cause obstruction or danger, and

(ii) to cut or trim any hedges or noxious vegetation, growing on such land which may be considered likely to intercept a view of approaching traffic on the road, or on any side road or other approach thereto, and

(iii) to remove from the road any branches, trimmings and vegetation lopped or cut by such owners or occupiers;

(*q*) imposing on such owners or occupiers of land the duty to comply with such notices within a reasonable time and authorising such officers to lop, cut or trim such trees, hedges and vegetation in case of default;

preservation of road surface

) and generally the prevention of obstruction to traffic and of annoyance, danger or injury to the public

(3) All rules made under this section shall be made after previous publication and when made shall be finally published in the Gazette and shall come into operation from the date of such final publication.

Before a magistrate

[3] 4 Any breach of any rule made under this Regulation may, on conviction, be punished with fine which may extend to fifty rupees or in the case of a second or subsequent conviction to two hundred rupees. All such fines shall be recovered in the manner prescribed in the Code of Criminal Procedure

Penalties.

[4] 5 (1) Any police officer or any other officer appointed by the Government to exercise this power may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under Section 2, if the name and residence of such person be unknown to such officer and cannot be ascertained by him then and there.

in this behalf

Arrest of offenders before warrant.

(2) When any such arrest has been made the provisions of Section 57 sub-sections (2) and (3) and Sections 60 to 68 of the Code of Criminal Procedure, 1904, shall apply.

Statement of Objects and Reasons.

There is at present no statute empowering Government to control heavy traffic on provincial roads. Consequently the roads with such heavy traffic become cut up very soon rendering other traffic very uncomfortable and sometimes even dangerous. It is therefore intended to introduce into Mysore a regulation on the lines of the Burma Highway Act, 1907, and thereby take power to Government to frame adequate rules to regulate such heavy traffic. The regulation will be applied only to such areas as may be found necessary.

if he refuses on demand of such officer to give his name and residence, or gives a name and residence which such officer has reason to believe to be false or, if he does not reside in Mysore, fails to furnish sufficient security for his appearance when required

G.R.S. VI–71]

SUBJECT.....

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Diary No. of letter replied to.....

Section Regs

File No. 47-17

Serial No. 5

General and Revenue Secretariat

( )

Proceedings of the Government of His Highness the Maharaja of Mysore.

, *the* 191

Date of issue..... 2/6

Signed by.....

From

To the Commissioner, Mysore City.

May this be

i Printed

ii treated as a standing orde

ii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

Order Thereon No S 28950 dated 2-6-15

Ordered that the accompanying Regulation for the regulation of traffic and preservation of the surface of public roads and places in Mysore, which has received the assent

REGULATION NO. IV, OF 1920.

A Regulation to provide for the regulation of traffic and preservation of the surface of public roads and places in Mysore.

REGULATION NO. IV OF 1920.

A Regulation to provide for the regulation of traffic and preservation of the surface of public roads and places in Mysore.

(Received the assent of His Highness the Maharaja on the 29th day of April 1920.)

Whereas it is expedient to provide for the regulation of traffic and the preservation of the surface of public roads and places in Mysore, His Highness the Maharaja is pleased to enact as follows :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Highway Regulation, 1920.

(2) It shall extend to the whole of Mysore, and

(3) It shall come into force in such local areas and from such dates as Government may by notification in the Gazette direct.

2. In this Regulation unless there is something repugnant in the subject or context.

Definition.

(1) "Public roads" shall include all roads, bridges, carriageways, causeways, footways, bridleways,

(*a*) over which the public have a right of way, or

(*b*) heretofore maintained out of public funds, or

(*c*) which are declared public roads by the provision of any law for the time being in force,

but not vested in any local authority, and

(2) "Places", includes vehicle stands, embankments or ramps, camps or refuges forming approaches to public roads, not vested in any local authority

Power to make rules.

(1) Government may make rules for the regulation of traffic on public roads and places and for the preservation of the surface of such roads and places.

(2) Without prejudice to the generality of the foregoing power, such rules may contain directions as to all or any of the following matters, namely :—

(*a*) prohibiting or restricting the use of vehicles of any particular class or description considered likely to cause damage or excessive wear to the surface of the road or to drop

62

materials or obstructions thereon and in particular, where a berm or side-track is provided confining such vehicles to the berm or side-track during the dry season;

(*b*) prohibiting or restricting the use of vehicles not provided with brakes of such character as may be required by the rules;

(*c*) prohibiting or restricting the use of vehicles or animals which are of such a nature or in such a condition as to be likely to cause annoyance inconvenience or danger to the public;

(*d*) providing for the granting of licenses to drive vehicles of any particular class or description, the fees chargeable in respect of such licenses and the authority by which and the conditions upon which such licenses may be granted, suspended and revoked;

(*e*) prohibiting the driving of any such vehicles by unlicensed persons;

(*f*) prohibiting the leaving of vehicles or animals unattended or in the charge of incompetent persons;

(*g*) the speed at which vehicles or animals may be driven or ridden;

(*h*) the rule of the road;

(*i*) the registration of vehicles plying for hire, the fees chargeable in respect of such registration and the carrying of number or name plates on vehicles so registered;

(*j*) prohibiting the driving or riding of vehicles or animals on footways or other places where their use may be attended with danger to the public;

(*k*) prohibiting the halting of vehicles or animals at places other than the proper camps or refuges;

(*l*) the carrying and use on vehicles and animals of a bell or other instrument for giving audible and sufficient warning of their approach or position;

(*m*) the carrying of lights on vehicles between sunset and sunrise and the description of lights to be carried and the position in which they should be placed;

(*n*) the stoppage of vehicles or animals when required by the Police for the regulation of traffic or for other reasonable purpose;

(*o*) the maximum weight or the number of passengers to be carried on each description of vehicle or animal;

(*p*) empowering specified officers to issue notices requiring owners or occupiers of land—

(i) to lop the branches of any trees growing on such land and overhanging the road so as to cause obstruction or danger: and

(ii) to cut or trim any hedges or noxious vegetation, growing on such land which may be considered likely to intercept a view of approaching traffic on the road, or on any side road or other approach thereto; and

(iii) to remove from the road any branches, trimmings and vegetation lopped or cut by such owners or occupiers;

(*q*) imposing on such owners or occupiers of land the duty to comply with such notices within a reasonable time and authorising such officers to lop, cut or trim such trees, hedges and vegetation in case of default;

(*r*) and generally the prevention of obstruction to traffic, preservation of road surface and of annoyance, danger or injury to the public.

(3) All rules made under this section shall be made after previous publication, and when made shall be finally published in the Gazette, and shall come into operation from the date of such final publication.

Penalties.

4. Any breach of any rule made under this Regulation may, on conviction before a Magistrate, be punished with fine which may extend to fifty rupees or in the case of a second or subsequent conviction to two hundred rupees. All such fines shall be recovered in the manner prescribed in the Code of Criminal Procedure, 1904.

Arrest of offenders before warrant.

5. (1) Any police officer or any other officer appointed by the Government in this behalf may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under Section 3, if he refuses on demand of such officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, or, if, not being a resident of Mysore, he fails to furnish sufficient security for his appearance when required.

(2) When any such arrest has been made the provisions of section 57, sub-sections (2) and (3) and sections 60 to 63, 66, and 67 of the Code of Criminal Procedure, 1904, shall apply.

M. KANTARAJ URS,
Dewan of Mysore.